

Division II Code of Ordinances

Part 6 Licensing and Regulation;

Chapter 1. Business and Occupations;

Article HH- Mobile Food Service

Sec.6-2691 Purpose and Intent

Sec 6-2692 Scope

Sec 6-2693 Definitions

Sec. 6-2694 Permit and Licensing

Sec. 6-2695 Operational Requirements

Sec. 6-2696 Litter

Sec. 6-2697 Enforcement

Sec. 6-2698 Vending Locations

Sec. 6-2699 Special Events

Sec. 6-2700-2750 Reserved

Sec. 6-2691 Purpose and Intent

It is the purpose of this Article to protect the health, safety, and welfare of the public, establish a uniform set of regulations which are fair and equitable, ensure that persons vending on private property do not impede on public space, provide a variety of goods, services, and economic opportunities to the community at large, and encourage active street level activity to enhance the urban environment.

Sec. 6-2692 Scope

This chapter shall apply to Mobile Food Service with the City of Savannah to include:

- (a) Push carts, towed vehicles, and detached vehicles; and
- (b) Four wheeled readily movable and licensed motor vehicles.

Sec 6-2693 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **“Base of Operations”** shall mean a licensed and approved catering establishment, restaurant, commercial kitchen, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored, located within Chatham County, and which has also obtained approval from the Chatham County health department.
- (b) **“Mobile food service unit”** shall mean a food establishment that reports to and operates from a base of operations and is readily moveable, designed and equipped to serve food and so approved by the Chatham County health department.
- (c) **“Food Truck”** shall mean mobile food establishment as defined in this Code, but limited to food establishments located in a motor vehicle licensed to operate by a department of motor vehicles, and permitted by the City of Savannah.
- (d) **“Push Cart”** shall mean a moveable, wheeled, non-motorized vehicle. Any wheeled vehicle or device other than a motor vehicle that may be moved with or without the assistance of a motor and that does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting of food or services.
- (e) **“Vending”** shall mean any business enterprise in which merchandise, prepackaged food, services or a combination thereof are rendered for sale to the general public on private property licensed and approved by the City.

Sec. 6-2694 Permit and Licensing

- (a) No person shall sell, or offer for sale, food of any type from a mobile food service unit as defined in Sec. 6-2693, within the City of Savannah without first complying with the regulations contained in this section.
- (b) Mobile Food Service Units must obtain the following permits, licenses, and approvals in order to legally operate:
 - 1) City of Savannah Business Tax Certificate
 - 2) Proof of All required Georgia Department of Community Health permits, and Chatham County Health Department Inspections
 - 3) Approval from Zoning for Accessory Use
 - 4) City of Savannah Mobile Food Service Permit
- (c) An application for each individual Mobile Food Service Unit permit hereunder shall be submitted to the City Manager or his or her designee, on an annual basis, setting forth all information required here under Sec. 6-2694 and in compliance with Article HH to include all other relating City of Savannah Zoning and Revenue codes. The application shall be furnished under oath on a form specified by the City Manager, accompanied by a non-refundable application fee as set forth in the City’s annual Revenue Ordinance. Such application should include:
 - 1) The name, address, telephone and email address of the owner(s) of record and/or operator(s) of each individual mobile food unit for which a permit is sought. If such owner is not a natural person, the application shall identify all

partners, officers and/or directors of any such entity, including personal contact information;

- 2) The make, model, license plate or model number, and a photograph of mobile food service unit;
- 3) The name of the Base of Operations and a business license issued by the City of Savannah, Chatham County, or other Chatham County jurisdiction;
- 4) A copy of the approved permit for the Mobile Food Service Unit from the Chatham County Health Department or the Georgia Department of Agriculture;
- 5) A copy of the approved permit for the Base of Operation and the most recent inspection from the Chatham County Health Department or the Georgia Department of Agriculture;
- 6) Proof of current liability insurance policy. A mobile food service unit vendor shall maintain a certificate showing general liability insurance with a minimum coverage amount of \$1,000,000 per location and per occurrence liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food service unit, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the City of Savannah as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the City of Savannah;
- 7) Type of business (brief description of goods being sold);
- 8) List of initial operating locations and times;
- 9) Signatures from property owners and 100% of licensed food service establishment leases, indicating consent for the use of their property;
- 10) A copy of the lease agreement for each food service site;
- 11) Signature of applicant indicating agreement to the listed requirements;
- 12) Estimate of annual revenues, or actual revenues per unit;
- 13) Permit fee and processing payment;
- 14) Any other information that this Article requires the owner to provide to the City as part of an application for a Mobile Food Permit. The City Manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Article.

Sec. 8-10014. Grant or Denial of Application.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Article, or otherwise fails to demonstrate the ability to comply with local, state or federal law.

Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Sec.6-2695 Operational Requirements

(a) "Food Trucks" as defined in Sec. 6-2693 are required to operate under the following requirements:

- 1) No food truck shall conduct business or operate in the public right-of-way unless licensed under Sec. 6-2694 and given approval by the City Manager or designee for operations during a permitted special event.
- 2) Food trucks shall not operate on any private property without the prior consent of the owner.
- 3) Food trucks shall not make sounds or announcements to call attention to the food truck either while traveling on the public rights-of-way or when stationary. At all times the food trucks and surrounding area shall be in compliance with the City of Savannah's Noise Control Ordinance (Sec. 9-2031-9-1041).
- 4) The Mobile Food Service permit and all applicable health certificates including food inspection reports, under which the food truck is operating must be firmly attached and visible to the public on the mobile food unit at all times.
- 5) Any driver of a food truck must possess a valid driver's license.
- 6) Mobile food service units are allowed only in approved zoning districts as deemed by the Zoning Ordinance.
- 7) Food Trucks must provide a minimum of nine feet of unobstructed pedestrian space measured from main service window.
- 8) Food Trucks shall not be left unattended or stored on the site when service is not underway.
- 9) Food Trucks must comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health or governmental organization having jurisdiction over this subject matter.
- 10) Any and all signage must comply with the City of Savannah Zoning Code and Sign Ordinances.
- 11) Operation of any food truck must maintain a minimum distance of 200 feet from any building housing an established and licensed eating establishment. This distance will be measured from the main serving window in a straight line to the property line of the nearest brick and mortar food establishment. If a food truck operates less than 200 feet from any building housing an established and licensed eating establishment, they must have expressed and signed consent from all affected establishments in order to operate. This consent form must be updated annually, and can be revoked without notice by any affected establishment. This

provision shall not apply to mobile food service units operating by invitation of the City of Savannah at City-sponsored or City-approved special events.

- 12) Each location for the operation of any food truck must be approved in advanced by the City of Savannah.
 - 13) Food trucks shall not be located within 200 feet of a residential dwelling unit, measured from the residential property line to the main serving window. If a food truck operates less than 200 feet from a residential dwelling unit, they must have expressed and signed consent from all affected property owners in order to operate. This consent form must be updated annually. This provision shall not apply to mobile food service units operating by invitation of the City of Savannah at City-sponsored or City-approved events.
 - 14) The maximum number of permitted Food Trucks per location shall be 2 per acre with a maximum of 4 per location.
 - 15) Food trucks shall not be located within the required front yard setback.
 - 16) A person operating a food truck unit shall not conduct business with or accept orders from any patrons or customers while such patrons or customers are in their motor vehicles.
 - 17) Food truck shall not provide temporary seating for customers.
 - 18) Food truck licensees must notify the Chatham County Health Department and the City of Savannah Licensing Department of their location for the following day.
- (b) "Push Carts" as defined in Sec. 6-2693 are required to operate under the following requirements:
- 1) No push cart shall conduct business or operate in the public right-of-way unless given approval during a permitted special event.
 - 2) A push cart shall not make sounds or announcements to call attention to the mobile food push cart either while traveling on the public rights-of-way or when stationary. At all times the mobile food service unit shall be in compliance with the City of Savannah's Noise Control Ordinance (Sec. 9-2031-9-1041).
 - 3) The push cart permit and all applicable health certificates under which a push cart is operating must be firmly attached and visible on the mobile food vendor at all times.
 - 4) Push carts are allowed only in approved zoning districts as deemed by the Zoning Ordinance.
 - 5) Push carts must provide a minimum of 6 feet of unobstructed pedestrian space from main service windows.
 - 6) Push carts shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

- 7) Any and all signage must comply with the City of Savannah Sign Ordinances
- 8) Push carts shall not be located within the required front yard setback.
- 9) A person operating a push cart shall not conduct business with or accept orders from any patrons or customers while such patrons or customers are in their motor vehicles.

Sec. 6-2696 Litter

Each mobile food service unit must provide a receptacle for litter, which shall be located within 30' of the unit and shall be maintained and emptied regularly. The area within which a mobile food vendor unit is operating shall, at all times, be kept clean and free from litter, garbage, rubble and debris within a 50 foot radius. The receptacle shall be within ten feet of the mobile food truck unit. The receptacle must be adequate in size so waste does not begin to overflow from the receptacle. All waste shall be disposed of at the base of operations.

Sec. 6-2697 Enforcement and revocation

- (a) To ensure the continued application of the intent and purpose of this Article, the City Manager or designee shall notify the permitted Mobile Food Unit owner(s) and the Chatham County Health Department of all instances in which a citation for a code violation or other legal infraction takes place.
- (b) The City Manager or designee shall maintain a record of all code violation charges, founded accusations and convictions occurring at or relating to Mobile Food Units. When a Mobile Food Unit owner(s) or operator(s) accumulates three code violations for a particular mobile food unit within a period of twelve consecutive months, the City shall revoke the Mobile food permit and reject all applications for future mobile food service permits by that permittee for a period of twelve consecutive months.
- (c) If a mobile food service unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to continue operation under the current permit.
- (d) Citations for code violations and any other violation of the City Code shall be heard by the Recorder's Court of Chatham County.
- (e) Violations of this Chapter are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:
 - 1) First violation: \$500
 - 2) Second violation within the preceding 12 months: \$750
 - 3) Third violation within the preceding 12 months: \$1,000 and revocation of the license.
- (f) A person aggrieved by the City's decision to revoke, suspend or deny a Mobile Food Service permit may appeal the decision to the City Manager. The appeal must be filed with the City Manager's Office in writing, within thirty calendar days after the adverse

action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the City Manager.

- (g) The City Manager or appointed designee shall consider the appeal within thirty days after receipt by the City Manager of a request unless otherwise agreed in writing by the City and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The City Manager shall render a determination, which will constitute a final ruling on the application.
- (h) Nothing in this section shall limit the City from enforcement of its code, state or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy marshal or other duly empowered officer under the City's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Sec. 6-2698 Vending Locations

Vending may take place at the following locations:

- (a) On private property within a Zoning District that permits such use, if the Mobile Food Unit is legally parked on the property and has received written permission from the property owner and displays such written permission upon request,
- (b) Within the boundaries of any area designated for a Special Event pursuant to all permit regulations and approvals, and
- (c) At a private residence at the direction of a resident for a private event that is not vending to the public and for which the Mobile Food Service Unit has the applicable licensing and follows the applicable regulations for a caterer.

Sec. 6-2699 Special Events

The City Manager may permit licensed Mobile Food Service Units to vend at special events approved through the City of Savannah's Special Events Policy and Procedures. Such operating permits are for a limited duration and not subject to the distance requirements contained elsewhere in this ordinance.

Sec. 6-2700-2750 Reserved